

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARGARET WAGNER,

Plaintiff,

vs.

BAYSTATE HEALTH, INC.,

Defendant.

CIVIL ACTION NO. 12-cv-30146-MAP

DEFENDANT'S MOTION FOR TAXATION OF COSTS

Pursuant to Fed. R. Civ. P. 54(d) and 28 U.S.C. §1920, the Defendant, Baystate Health Inc. respectfully requests that it be awarded costs in the amount of four thousand five hundred forty five dollars and ninety five cents (\$4,545.95) in the above-captioned action. Judgment entered in Defendant's favor on February 20, 2014. The Affidavit of Amelia J. Holstrom, Defendant's counsel, is filed herewith and itemizes the costs incurred that are recoverable by the prevailing Defendant under Fed. R. Civ. P. 54(d) and 28 U.S.C. §1920. *See Affidavit Attached as Exhibit 1.*

Fed. R. Civ. P. 54(d) provides in relevant part: "Unless a federal statute, these rules, or a court order provides otherwise, costs—other than attorney's fees—should be allowed to the prevailing party." "Congress has enumerated the type of expenses that a federal court 'may tax as costs'" in 28 U.S.C. §1920. *In re Two Appeals Arising out of San Juan Dupont Plaza Hotel*

Fire Litigation, 994 F.2d 956, 962 (1st Cir. 1993); *see also Crawford Fitting Co. v. J.T. Gibbons*,

ALLOWED, in part The costs for the Garvin and Blaney depositions (\$50³⁵ and \$349³⁵) have been deducted, since they were never used, and the subpoena costs for Nocciolo have also been deducted, since she was never called. Total costs of \$4054⁷⁶ are hereby awarded. So ordered.

Michael B. Poulos USJS 3.13.14